THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 709 of 2006

-

DATED: 10-01-2006

Ch. Narsi Reddy.

..... PETITIONER

AND

The Conservator of Forests,

Warangal Circle, Warangal,

Warangal District & 2 others.

.....RESPONDENTS

ORDER:

Petitioner states that he is the owner of the lorry bearing No.AP.25-U-6938 and he obtained licence for setting up a forest produce depot in Warangal North Forest Division, Warangal District at Survey No.87. The said vehicle has been seized by the third respondent on 25-11-2005 on the allegation that the petitioner has committed certain forest offence by transporting 100.69 quintals of charcoal, worth Rs.1,62,111/-, without transit permit and the same was produced before the second respondent on 26-11-2005.

The third respondent-Forest Range Officer after conducting enquiry and after recording the statement of the petitioner-accused for contravention of the provisions of Sections 20, 29 and 44 of the A.P.Forest Act, 1967 read with Rule 3 of the A.P.Forest Protection Act, 1970, submitted a report before the second respondent, who issued a show cause notice dated 21-12-2005 for which a reply was given by the petitioner accepting his guilt of having transported the consignment without transit permit vide his letter dated 30-12-2005. Accordingly, as per the willingness of the petitioner the case was compounded for a sum of Rs.3,24,222/- for release of the vehicle as well as the charcoal by Procs.No.155/OR/FS2/2005-06,

dated 31-12-2005. Aggrieved by the same, the petitioner filed an appeal before the first respondent on 05-01-2006.

2. Admittedly, the said appeal is pending before the first respondent. Having filed an appeal petitioner questions the action of the third respondent in seizing the said vehicle together with the charcoal and also the order dated 31-12-2005 in Procs.No.155/OR/FS2/2005-06.

3. Learned counsel for the petitioner submits that the petitioner has obtained licence for cutting bamboo trees and converting them into charcoal and therefore, he has not committed any forest offence.

4. When an appeal is pending before the first respondent I am not inclined to express any opinion as against the own admissions of the petitioner set before the second respondent. Moreover, it is for the first respondent to pass appropriate orders on the appeal filed by the petitioner.

5. Accordingly, the writ petition is dismissed directing the first respondent to consider and dispose of the appeal within a period of three weeks from the date of receipt of a copy of this order. No order as to costs.

_____

(V.ESWARAIAH,J)

10th January, 2006.

Tsy